

REMARKS

1. In the Drawings

In the Office Action dated May 6, 2003, the Examiner objected to the drawings under 37 CFR 1.83(a) for not showing certain features of claims 9, 22, 33, and 35. Applicant has submitted Proposed Figures 7 and 8 in response to the Examiner's objection. The cotter pin of claim 20, and the divider of claims 22, 33, and 35 are shown in Proposed Figure 7. The square-shape of claim 9 is shown in Proposed Figure 8. It is submitted, therefore, that the Examiner's objection to the drawings under 37 CFR 1.83(a) has been overcome. Applicant respectfully requests that this objection be withdrawn. Upon approval of these additional Figures, formal drawings will be submitted to the Official Draftsman.

2. In the Specification

Applicant gratefully acknowledges that the Examiner has withdrawn the objection to the specification.

3. Claim Rejection – 35 U.S.C. § 112

Applicant gratefully acknowledges that the Examiner has withdrawn the rejections to claims 24 and 25 under 35 U.S.C. § 112, second paragraph.

4. Claim Rejection – 35 U.S.C. § 102

Applicant gratefully acknowledges that the Examiner has withdrawn the rejections to claims 34 and 35 under 35 U.S.C. § 102(b).

5. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Reinhard in View of Fuller

In the Office Action dated May 6, 2003, the Examiner rejected claims 1-5, 7-8, 11, 16-18, 20 and 22 under 35 U.S.C. 103(a) as being unpatentable over Reinhard in view of Fuller. Applicant respectfully traverses this rejection.

The Examiner is correct to note that for a reference to be analogous prior art, it must be either in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular

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problem with which the applicant was concerned. On page 11 of the Office Action, the Examiner argues that "Fuller is reasonably pertinent to cover stiffness in a case holding a plurality of disk shaped objects." However, there is no teaching in either reference that suggests to combine them. Indeed, as argued previously, Fuller and Reinhard relate to different areas of art, in particular, Fuller relates to the storage of phonorecords and Reinhard relates to carrying saw blades. One skilled in the art would not look to combine Reinhard with Fuller.

persuasion
On pages 11-12 of the Office Action, the Examiner interpreted the terms "front member" and "rear member" of claim 1 to correspond to the plates of Reinhard and the term "frame body" of claim 1 as corresponding to the assembly as a whole. Given the Examiner's interpretation of the term "frame body," the blade edges are visible, at least in part, through the "frame body" of Reinhard. Applicant has amended claim 1, replacing "said frame body" with "either said front member or said rear member." Claim 1 now includes the claim limitation "so that at least one circular saw blade is viewable at least in part through either said front member or said rear member," as opposed to through the "frame body." This amendment clarifies the claim and overcomes the rejection made by the Examiner.

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Neither reference discloses a device as claimed above in claim 1 as amended. Reinhard does not disclose an assembly that would allow a circular saw blade to be viewable through individual frame members. Reinhard instead discloses solid plates (col. 2, lines 18-22). While blades may be viewed through the gap between the frame members, the blades may not be viewed through frame members. Nowhere does Reinhard contemplate plates that form a frame that would allow a saw blade to be viewed at least in part through an individual frame member. Furthermore, Fuller totally surrounds the records enclosed and precludes the viewing of any record. One skilled in the art would not look to combine Reinhard with Fuller to provide a front or rear member that allows at least one saw blade to be viewable at least in part through either individual frame member. In light of the amendment to claim 1 alone, Applicant respectfully asserts that the rejection under § 103 has been overcome.

Therefore, in view of the above comments, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 103 as being unpatentable over Reinhard in view of Fuller has been overcome. Withdrawal of this rejection is therefore respectfully requested. Since claims 2-5, 7-8, 11, 16-18, 20 and 22 are dependent claims of claim 1, their allowability directly follows from independent claim 1.

6. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Reinhard in View of Fuller and in Further View of Wiepert

The Examiner has also rejected claim 6 and 23 under § 103 as being unpatentable over Reinhard in view of Fuller and in further view of Wiepert. Applicant respectfully traverses this rejection. Claims 6 and 23 depend from claim 1. In view of the above comments with regard to the § 103 rejection for claim 1, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103 has been overcome, and that therefore the rejection under Wiepert is moot.

7. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Reinhard in View of Fuller and in Further View of Rackley

The Examiner has also rejected claim 9 under § 103 as being unpatentable over Reinhard in view of Fuller and in further view of Rackley. Applicant respectfully traverses this rejection. Claim 9 depends from claim 1. In view of the above comments with regard to the § 103 rejection for claim 1, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103 has been overcome, and that therefore the rejection under Rackley is moot.

8. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Reinhard in View of Fuller and in Further View of Hirose et al.

The Examiner has also rejected claims 12-15 under § 103 as being unpatentable over Reinhard in view of Fuller and in further view of Hirose et al. Applicant respectfully traverses this rejection. Claims 12-15 depend from claim 1. In view of the above comments with regard to the § 103 rejection for claim 1, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103 has been overcome, and that therefore the rejection under Hirose et al. is moot.

9. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Reinhard in View of Fuller and in Further View of Stanley

The Examiner has also rejected claim 19 under § 103 as being unpatentable over Reinhard in view of Fuller and in further view of Stanley. Applicant respectfully traverses this rejection. Claim 19 depends from claim 1. In view of the above comments with regard to the § 103

rejection for claim 1, Applicant respectfully asserts that the rejection under 35 U.S.C. § 103 has been overcome, and that therefore the rejection under Stanley is moot.

10. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Lueth in View of Reinhard - Independent Claim 1

The Examiner has also rejected claims 1-5, 7, 8, 11, 18, 22, 26-30, 33-35 under § 103 as being unpatentable over Lueth (Des. 314,417) in view of Reinhard. Claim 1 is an independent claim.

The Examiner is correct to note that for a reference to be analogous prior art, it must be either in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned. However, there is no teaching in either reference that suggests to combine them. Therefore, one skilled in the art would not look to combine Lueth with Reinhard.

Additionally, on page 7 of the Office Action, the Examiner states that "Lueth discloses a rear member having at least one crossbar, a spindle, and a handle." However, the Examiner admits that "Lueth does not disclose a front member" and is not "adjustable to accommodate a varying number of blades." Hence, Lueth does not disclose at least one claim limitation within each of the first, third, and fifth claim elements of the five distinct claim elements of claim 1 due to the simple fact Lueth does not disclose a front member.

Moreover, Lueth is a design patent entitled "Saw Blade Holder or Similar Article" which merely shows the "ornamental design for a saw blade holder or similar article." U.S. Pat. No. Des. 314,417. Lueth does not disclose any further function of the invention disclosed, the invention's size, whether the materials used are rigid or pliable, nor how the invention operates. Thus, it cannot suggest a combination with another reference such as Reinhard. Additionally, Lueth expressly utilizes the term "saw blade holder" in the title, the claim, and the description, and does not use the term "saw blade carrier" or any other language related to or implying the transport or movement of saw blades. Hence, Applicant respectfully asserts that Lueth discloses what it explicitly claims, a saw blade holder, perhaps intended to maintain a saw blade in a stationary position, and not a carrying case intended for holding multiple saw blades for transport. As an example, the "handle" that the Examiner refers to were meant to act as an actual handle during the movement of saw blades, Applicant respectfully asserts that the "handle"

would have been designed differently to allow a human hand to properly grip and maintain control of the holder during transport. Thus, because Lueth arguably does not disclose a handle of a saw blade carrier, at least one claim limitation of the fourth claim element of claim 1 is arguably not disclosed.

Even if combined, the limited disclosure of Leuth would not suggest to one skilled in the art any particular modifications to the device disclosed in Reinhard. For example, Leuth does not specifically suggest any functional benefits to having a see-through frame, assuming that the Leuth device indeed is to be used so that a blade may be seen through its spoked circular member.

Therefore, in view of the above comments, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 103 as being unpatentable over Lueth in view of Reinhard is improper and should be withdrawn. Since claims 2-5, 7-8, 11, 18, and 22 are dependent claims of claim 1, their allowability directly follows from independent claim 1.

11. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Lueth in View of Reinhard - Independent Claim 26

The Examiner has also rejected claims 26-30, and 33 under § 103 as being unpatentable over Lueth (Des. 314,417) in view of Reinhard. Claim 26 is an independent claim.

As noted above, the Examiner's combination of Reinhard and Leuth is improper because there is no suggestion to combine the references.

To clarify the differences between the arguable combination cited by the Examiner, claim 26 has been amended to include the limitation that the frame members are wire. Even if Lueth and Reinhard were combined, there is no suggestion that frame members of claim 26 be formed from wire. Applicants note that claim 10, which contains a similar limitation pertaining to frame members made of wire, was indicated as being allowable if written in independent form. Although the wire of claim 26 is not restricted to the 6-gauge steel wire of claim 10, Applicants submit that claim 26 would be allowable over the prior art for the same reasons that the Examiner found claim 10 to be allowable.

Therefore, in view of the above comments, Applicants respectfully assert that the rejection of amended claim 26 under 35 U.S.C. § 103 as being unpatentable over Lueth in view of Reinhard has been overcome. Withdrawal of this rejection is therefore respectfully requested.

Since claims 27-30, and 33 are dependent claims of claim 26, their allowability directly follows from independent claim 26.

12. Claim Rejection – 35 U.S.C. § 103(a) - Unpatentable Over Lueth in View of Reinhard - Independent Claim 34

The Examiner has also rejected claims 34-35 under § 103 as being unpatentable over Lueth (Des. 314,417) in view of Reinhard. Claim 34 is an independent claim.

As noted above, the Examiner's combination of Reinhard and Leuth is improper because there is no suggestion to combine the references.

To clarify the differences between the arguable combination cited by the Examiner, claim 34 has been amended to include the limitation that the frame members are wire. Even if Lueth and Reinhard were combined, there is no suggestion that frame members of claim 34 be formed from wire. Applicants note that claim 10, which contains a similar limitation pertaining to frame members made of wire, was indicated as being allowable if written in independent form. Although the wire of claim 34 is not restricted to the 6-gauge steel wire of claim 10, Applicants submit that claim 34 would be allowable over the prior art for the same reasons that the Examiner found claim 10 to be allowable.

Therefore, in view of the above comments, Applicants respectfully assert that the rejection of claim 34 under 35 U.S.C. § 103 as being unpatentable over Lueth in view of Reinhard has been overcome. Withdrawal of this rejection is therefore respectfully requested. Since claim 35 is a dependent claim of claim 34, its allowability directly follows from independent claim 34.

13. Allowable Subject Matter

Applicant gratefully acknowledges that the Examiner would allow claims 24 and 25.

14. Claim 10

Applicant gratefully acknowledges that the Examiner would allow claim 10 if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, the Examiner has objected to Claim 10 as being dependent upon a rejected base claim. In light of Applicant's arguments and amendment to claim 1, on which claim 10 depends, it is

submitted above that claim 1 is allowable. Thus, claim 10 should also be allowable without amendment by remaining dependent on claim 1.

SUMMARY

In conclusion, Applicants respectfully submit that all pending claims are allowable in their present form, and hereby request allowance in a timely manner. Applicant respectfully requests that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Timothy LeDuc", written over a horizontal line.

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